

Appln. No. 09/125,841
Response dated August 25, 2003
Reply to Notice of Abandonment dated of June 24, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Richard G. Olsen, *et al.*
Serial No. : 09/125,841
Filed : January 19, 1999
For : CELLULAR IMMUNOTHERAPY
TC/AU : 1644
Examiner : Ronald B. Schwadron, Ph.D.
Attorney Docket No. : CIR 2-001-3

#29

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

AND

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Sir:

The above identified application became abandoned for failure to file a timely and proper reply to a notice by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice.

Applicant hereby petitions for Revival of this application.

First, Applicant has previously complied with applicable regulations under 37 CFR 1.821-1.825 by submission of a computer readable sequence in compliance with Sequence Listing Requirements. On one occasion the Examiner rejected readable sequence for failure to list a cross referenced PCT application, on another occasion the OIPE rejected the submission (containing data previously acceptable to the OIPE because of technical errors in the species listing. Applicant's complied with all Sequence Listing Requirements in their submission of September 23, 2002, but this submission was damaged in processing and was unreadable by OIPE. Because Applicants have made exceptional efforts to comply with Sequence Listing Requirements, Applicants respectfully request Examiner withdraw the Holding of Abandonment. This petition to withdraw Examiner's Holding of Abandonment is timely filed by this paper.

Should the Examiner decline to withdraw the Holding of Abandonment, Applicant hereby petitions for Revival of this application under 37 CFR 1.137(b).

Appln. No. 09/125,841
Response dated August 25, 2003
Reply to Notice of Abandonment dated of June 24, 2003

The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Applicant twice responded to Examiner's Notice of Sequence Listing Requirements for submission of sequence in computer readable form. Applicants reply of September 23, 2002 was damaged in transit, and was unreadable. Applicant resubmitted identical data on February 18, 2003, but unintentionally submitted the data in Patent In 3.1 project format, rather than the required text format.

The reply to the above noted Office Action in the form of a submission of a computer readable sequence in compliance with Sequence Listing Requirements is enclosed herewith. Since this Application was filed on or after June 6, 1995, no terminal disclaimer is required.

We authorize withdrawal of any fees in connection with this petition from deposit account number 13-4830. Applicant claims small entity status. A duplicate of this page is attached.

Respectfully submitted,

Date: August 25, 2003



Jerry K. Mueller, Jr.
Reg. No. 27,576
MUELLER AND SMITH, L.P.A.
MUELLER-SMITH BUILDING
7700 Rivers Edge Drive
Columbus, Ohio 43235-1335
Tel.: 614-436-0600
Fax: 614-436-0057
email: smueller@muellersmith.com